(3)

6/2/07 Single Bench

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

W.P. No. 414 /2004

Petitioner : SMT. SHARDA RATH, aged 43 years,
W/o Shivnarayan Rath,
Assistant teacher, Primary School,
Khamhargaon, Jagdalpur
Distt. Jagdalpur (C.G.)

P.R. No. 4097/04
Presented by Shri L.C. Dhar
dated 26/10/04

VERSUS

Respondents :

1. State of Chhattisgarh,
through the Secretary,
General Administrative Department
D.K.S. Bhawan, Raipur (C.G.)

2. District Education Officer,
Bastar, Jagdalpur (C.G.)

3. Block Education Officer,
Bastar, Jagdalpur (C.G.)

4. Dr. Subhau Kashyap,
S/o Rupsing, aged about 43 yrs.
MLA, R/o Basatar Officer Colony,
Tah. & Distt. Bastar (C.G.)

5. Smt. Ruma Chakrawarty,
aged about 40 years,
Asstt. Teacher, Bhagat Singh
Primary School, Jagdalpur (C.G.)

26/X/04

24/10/04

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA, FOR ISSUANCE OF SUITABLE DIRECTIONS, ORDERS OR WRITS INCLUDING WRITS IN THE NATURE OF CERTIORARI, MANDAMUS ETC.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 4114/04 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08-11-2005:	

Shri L.C. Dash, counsel for the petitioner.

Shri Pankaj Shrivastava, Panel Lawyer for the respondents/State.

The petitioner who was working as Assistant Teacher, Bhagat Singh Primary School, Jagdalpur, was transferred to Primary School Khamhargaon by order dated 13-08-2004 on administrative ground. The petitioner has alleged in the petition that there was no complaint pending against him and as such impugned order dated 13-08-2004 is mala fide.

Shri Pankaj Shrivastava, learned Panel Lawyer for the State submits that the impugned transfer order was passed in the interest of administration and due to administrative exigency proper procedure has been followed and there is no question of mala fide of exercise of power. Learned counsel for the State further submits that it is for the employer to post an employee at the place in the interest of administration and the petitioner can not question the transfer order on any ground.

Having heard learned counsel for the parties and after perusing the impugned transfer order, which was passed due to administrative exigency, the ground of mala fide alleged by the petitioner is untenable, as such the petition is rejected.

No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Kamdc